

107TH CONGRESS
1ST SESSION

S. 224

To authorize the Secretary of the Interior to set aside up to \$2 per person from park entrance fees or assess up to \$2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to those parks, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 31, 2001

Mr. MCCAIN introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To authorize the Secretary of the Interior to set aside up to \$2 per person from park entrance fees or assess up to \$2 per person visiting the Grand Canyon or other national park to secure bonds for capital improvements to those parks, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “National Parks Capital Improvements Act of 2001”.

6 (b) TABLE OF CONTENTS.—The table of contents of
7 this Act is as follows:

Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.
 Sec. 3. Fundraising organization.
 Sec. 4. Memorandum of agreement.
 Sec. 5. National park surcharge or set-aside.
 Sec. 6. Use of bond proceeds.
 Sec. 7. Administration.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) FUNDRAISING ORGANIZATION.—The term
 4 “fundraising organization” means an entity author-
 5 ized to act as a fundraising organization under sec-
 6 tion 3(a).

7 (2) MEMORANDUM OF AGREEMENT.—The term
 8 “memorandum of agreement” means a memo-
 9 randum of agreement entered into by the Secretary
 10 under section 3(a) that contains the terms specified
 11 in section 4.

12 (3) NATIONAL PARK FOUNDATION.—The term
 13 “National Park Foundation” means the foundation
 14 established under the Act entitled “An Act to estab-
 15 lish the National Park Foundation”, approved De-
 16 cember 18, 1967 (16 U.S.C. 19e et seq.).

17 (4) NATIONAL PARK.—The term “national
 18 park” means—

19 (A) the Grand Canyon National Park; and
 20 (B) any other unit of the National Park
 21 System designated by the Secretary that has an

1 approved general management plan with capital
2 needs in excess of \$5,000,000.

3 (5) SECRETARY.—The term “Secretary” means
4 the Secretary of the Interior.

5 **SEC. 3. FUNDRAISING ORGANIZATION.**

6 (a) IN GENERAL.—The Secretary may enter into a
7 memorandum of agreement under section 4 with an entity
8 to act as an authorized fundraising organization for the
9 benefit of a national park.

10 (b) BONDS.—The fundraising organization for a na-
11 tional park shall issue taxable bonds in return for the sur-
12 charge or set-aside for that national park collected under
13 section 5.

14 (c) PROFESSIONAL STANDARDS.—The fundraising
15 organization shall abide by all relevant professional stand-
16 ards regarding the issuance of securities and shall comply
17 with all applicable Federal and State law.

18 (d) AUDIT.—The fundraising organization shall be
19 subject to an audit by the Secretary.

20 (e) NO LIABILITY FOR BONDS.—The United States
21 shall not be liable for the security of any bonds issued
22 by the fundraising organization.

23 **SEC. 4. MEMORANDUM OF AGREEMENT.**

24 The fundraising organization shall enter into a
25 memorandum of agreement that specifies—

1 (1) the amount of the bond issue;

2 (2) the maturity of the bonds, not to exceed 20
3 years;

4 (3) the per capita amount required to amortize
5 the bond issue, provide for the reasonable costs of
6 administration, and maintain a sufficient reserve
7 consistent with industry standards;

8 (4) the project or projects at the national park
9 that will be funded with the bond proceeds and the
10 specific responsibilities of the Secretary and the
11 fundraising organization with respect to each
12 project; and

13 (5) procedures for modifications of the agree-
14 ment with the consent of both parties based on
15 changes in circumstances, including modifications
16 relating to project priorities.

17 **SEC. 5. NATIONAL PARK SURCHARGE OR SET-ASIDE.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, the Secretary may authorize the Super-
20 intendent of a national park for which a memorandum of
21 agreement is in effect—

22 (1) to charge and collect a surcharge in an
23 amount not to exceed \$2 for each individual other-
24 wise subject to an entrance fee for admission to the
25 national park; or

1 (2) to set aside not more than \$2 for each indi-
2 vidual charged the entrance fee.

3 (b) SURCHARGE IN ADDITION TO ENTRANCE
4 FEES.—A national park surcharge under subsection (a)
5 shall be in addition to any entrance fee collected under—

6 (1) section 4 of the Land and Water Conserva-
7 tion Fund Act of 1965 (16 U.S.C. 460l–6a);

8 (2) the recreational fee demonstration program
9 authorized by section 315 of the Department of the
10 Interior and Related Agencies Appropriations Act,
11 1996 (as contained in Public Law 104–134; 110
12 Stat. 1321–156; 1321–200; 16 U.S.C. 460l–6a
13 note); or

14 (3) the national park passport program estab-
15 lished under title VI of the National Parks Omnibus
16 Management Act of 1998 (Public Law 105–391;
17 112 Stat. 3518; 16 U.S.C. 5991 et seq.).

18 (c) LIMITATION.—The total amount charged or set
19 aside under subsection (a) may not exceed \$2 for each
20 individual charged an entrance fee.

21 (d) USE.—A surcharge or set-aside under subsection
22 (a) shall be used by the fundraising organization to—

23 (1) amortize the bond issue;

24 (2) provide for the reasonable costs of adminis-
25 tration; and

1 (3) maintain a sufficient reserve consistent with
 2 industry standards, as determined by the bond un-
 3 derwriter.

4 (e) EXCESS FUNDS.—Any funds collected in excess
 5 of the amount necessary to fund the uses in subsection
 6 (d) shall be remitted to the National Park Foundation to
 7 be used for the benefit of all units of the National Park
 8 System.

9 **SEC. 6. USE OF BOND PROCEEDS.**

10 (a) ELIGIBLE PROJECTS.—

11 (1) IN GENERAL.—Subject to paragraph (2),
 12 bond proceeds under this Act may be used for a
 13 project for the design, construction, operation, main-
 14 tenance, repair, or replacement of a facility in the
 15 national park for which the bond was issued.

16 (2) PROJECT LIMITATIONS.—A project referred
 17 to in paragraph (1) shall be consistent with—

18 (A) the laws governing the National Park
 19 System;

20 (B) any law governing the national park in
 21 which the project is to be completed; and

22 (C) the general management plan for the
 23 national park.

24 (3) PROHIBITION ON USE FOR ADMINISTRA-
 25 TION.—Other than interest as provided in subsection

1 (b), no part of the bond proceeds may be used to de-
 2 fray administrative expenses.

3 (b) INTEREST ON BOND PROCEEDS.—

4 (1) AUTHORIZED USES.—Any interest earned
 5 on bond proceeds may be used by the fundraising or-
 6 ganization to—

7 (A) meet reserve requirements; and

8 (B) defray reasonable administrative ex-
 9 penses incurred in connection with the manage-
 10 ment and sale of the bonds.

11 (2) EXCESS INTEREST.—All interest on bond
 12 proceeds not used for purposes of paragraph (1)
 13 shall be remitted to the National Park Foundation
 14 for the benefit of all units of the National Park Sys-
 15 tem.

16 **SEC. 7. ADMINISTRATION.**

17 The Secretary, in consultation with the Secretary of
 18 Treasury, shall promulgate regulations to carry out this
 19 Act.

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